

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEONARD EVANS,

Plaintiff,

V.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: 13-cv-2371 JSC

DISMISSAL ORDER

In this civil action, Plaintiff Leonard Evans sues Wells Fargo Bank, N. A., Inc. for injunctive and declaratory relief seeking to stay a foreclosure sale of his deceased mother's home. On August 8, 2013, the Court granted Defendant's motion to dismiss the complaint for lack of subject matter jurisdiction as Plaintiff lacked legal authority over the subject property. (Dkt. No. 24.) At oral argument, Plaintiff indicated that although he does not presently have such legal authority, his mother's estate is in probate and he expects to be legally appointed as the administrator of his mother's estate forthwith. The Court therefore dismissed the complaint with leave to amend within 45 days. Plaintiff failed to amend his complaint within the time allowed and Defendant has moved to dismiss pursuant to Federal Rule of Civil

1 Procedure 41(b); Plaintiff has not filed an opposition to the motion and has not otherwise
2 communicated with the Court.

3 Accordingly, the Court hereby DISMISSES this action without prejudice. The
4 dismissal is without prejudice as Plaintiff previously appeared and evidenced an intent to
5 prosecute this action. *See* Fed. R. Civ. P. 41(b).

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7 **IT IS SO ORDERED.**

8 Dated: October 25, 2013


9 JACQUELINE SCOTT CORLEY
10 UNITED STATES MAGISTRATE JUDGE
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